

BILL NO. G-95-11-19 (AS AMENDED)

GENERAL ORDINANCE NO. G- 05-96

AN ORDINANCE for the purpose of  
vacating a dedicated utility easement.

WHEREAS, a petition to vacate a dedicated utility easement within the City of Fort Wayne (as more specifically described below) was duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing thereon; and

WHEREAS, said Commission has duly forwarded its recommendation to this body approving said petition, and this body having held a public hearing on said vacation as provided in I.C. 36-7-3-12; and

WHEREAS, this body concurs in the recommendation of the City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE  
CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a dedicated utility easement within the City of Fort Wayne, more specifically described as follows, to-wit:

A six foot utility easement on the west line of Lot Number 10 and the east line of Lot Number 11 in Eastland Gardens, Section A, except the north seven (7) feet, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana.

and which vacating allows the dedicated utility easement to  
revert to the ownership of the adjacent property owners.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.

Thomas E. Heyburn

COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCauley  
J. TIMOTHY MCCAULAY, CITY ATTORNEY

\*\* Public hearing to be held on Tuesday,  
the 27th day of February, 1996,  
in the Council Chambers.

Sandra E. Kennedy

Sandra E. Kennedy, City Clerk

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NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE  
CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a dedicated utility easement within the City of Fort Wayne, more specifically described as follows, to-wit:

A six foot utility easement on the west line of Lot Number 10 and the east line of Lot Number 11 in Eastland Gardens, Section A as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana.

and which vacating allows the dedicated utility easement to  
revert to the ownership of the adjacent property owners.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.

  
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

  
J. TIMOTHY MCCAULAY, CITY ATTORNEY

\*\* Public hearing to be held on \_\_\_\_\_,  
the \_\_\_\_\_ day of \_\_\_\_\_, 1995,  
in the Council Chambers.

\_\_\_\_\_  
Sandra E. Kennedy, City Clerk



Read the first time in full and on motion by \_\_\_\_\_, and duly adopted, read the second time by title and referred to the Committee on \_\_\_\_\_ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Council Conference Room 128, City-County Building, Fort Wayne,, Indiana, on \_\_\_\_\_, 19\_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: \_\_\_\_\_ SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Hay Hurst, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	7			2
BENDER	✓			
CRAWFORD	✓			
EDMONDS				✓
HALL	✓			
HAYHURST	✓			
HENRY	✓			
LUNSEY	✓			
RAVINE	✓			
SCHMIDT				✓

DATED: 2-27-96 Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. G-05-96 on the 27th day of February, 1996

ATTEST: (SEAL) Rebecca Prairie  
Sandra E. Kennedy PRESIDING OFFICER  
SANDRA E. KENNEDY, CITY CLERK

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of February, 1996, at the hour of 11:00 o'clock A., M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 4th day of March, 1996, at the hour of 2:00 o'clock P. M., E.S.T.  
Paul Helmke  
PAUL HELMKE, MAYOR

*From the desk of:*  
**Pat Biancaniello**

AGENT:

Michael Ventreulla  
909 E State Bl  
City 05

489-9125 ext: 2500



Read the first time in full and on motion by Ravine,  
and duly adopted, read the second time by title and referred to the  
Committee on Regulations (and the City Plan Commission  
for recommendation) and Public Hearing to be held after due legal notice, at  
the Common Council Council Conference Room 128, City County Building, Fort  
Wayne, Indiana, on \_\_\_\_\_, 19\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_  
M., E.S.T.

DATED: 11-14-95 Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_,  
and duly adopted, placed on its passage. PASSED \_\_\_\_\_ LOST \_\_\_\_\_  
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES				
BRADBURY				
EDMONDS				
GiaQUINTA				
HENRY				
LONG				
LUNSEY				
RAVINE				
SCHMIDT				
TALARICO				

DATED: \_\_\_\_\_ SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

ATTEST: (SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_, M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

PAUL HELMKE, MAYOR

# RECEIPT

No 18462

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN.,

10/19 1995

RECEIVED FROM

Paul Carter

\$ 200.00

THE SUM OF

two hundred + 00/100

DOLLARS

ON ACCOUNT OF

1354

Household Vacation Eastland Club

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

AUTHORIZED SIGNATURE

*[Signature]*





# Vacation Petition

Community & Economic Development / 1 Main Street Rm. 830  
Fort Wayne, IN 46802 / (219) 427-1140

#602  
I/We do hereby petition to vacate the following:

☐ Plat or portion of plat    ☒ Easement    ☐ Public Right-of-Way (street or alley)

More particularly described as follows:

(2 ea 3ft)  
Six-foot utility easement on the west line of lot number 10 and the east line  
of lot number 11 in Eastland Gardens, Section A as recorded in the plat  
thereof in the Office of the Recorder of Allen County, Indiana. Both lots  
are owned by Park Center, Inc.

(Please attach a legal description of the property)

The reasons for the proposed vacation are as follows:

To allow for the 958 square foot addition onto the west end of the existing  
residential one-story framed house.

(If additional space is needed please attach a separate page)

Property owner('s) name(s): Park Center, Inc.

Street Address: 909 East State Boulevard

City: Fort Wayne    State: IN    Zip: 46805    Phone: 482-9125, ext: 2500  
(If additional space is needed please attach a separate page)

Applicants Name (if different from above): Michael Ventruella, Director of Property Mgmt.

Street Address: 909 East State Boulevard

City:    State:    Zip:    Phone:   

I/We, your petitioners, file this petition pursuant to the authority granted in Indiana Code, and provisions of local ordinance. I/We agree to abide by all provisions of the Fort Wayne Zoning Ordinance and/or Subdivision Control Ordinance, as well as all procedures and policies of the Fort Wayne City Plan Commission as those provisions, and policies relate to the handling and disposition of this petition. I/We also certify that this information is true and accurate to the best of my/our knowledge.

Signature Michael Ventruella    Michael Ventruella    10/19/95  
per Park Center Inc    Printed Name    Date

909 East State Boulevard

Address

Fort Wayne, IN 46805

City/state/zip

Signature

Printed Name

Date

Address

City/state/zip

Agents Name (Please print legibly):

Same

*Park Center Tric*

Street Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

**NOTICE:**

- Legal description is to be of the area to be vacated and must be complete and correct. If necessary a licensed surveyor's legal description may be required.
- All adjacent property owner's signatures must accompany this application.
- Applicant is hereby informed that in the case of a utility being located in a public way or easement, the applicants may be required to bear the cost of relocation, or of providing a replacement easement or easements as needed.
- Applicant is also hereby informed that the vacation of a subdivision plat does not necessarily vacate any dedicated right-of-way(s) or utility easement(s), nor any restrictive covenants that may apply.

For Office Use Only:

Receipt #:

Date Filed:

Map #:

Reference #:



JOHN R. DONOVAN PE 9173 PLS 9921 IN  
FRANCIS X. MUELLER PLS S0193 IN  
GREGORY L. ROBERTS PLS S0548 IN

Recorder of Allen County, Indiana.

LOT #14

LOT #15

LOT #11

LOT #10

LOT #12

LOT #9

161'

200'

7' ESM'T.

7' ESM'T.

3' ESM'T.

19.8'

60'

ONE STORY  
FRAME RES.  
W/ATT. GAR.

26'

39.5'

20.5'

O.P.

17'

32'

35'

60' BL.

#2827

E.S.M.T.

I.N.S.T.#76-18028

E.S.M.T.

D.O.C.#77-17695

10'x10'

10'x10'

100'

22'

161'

3' ESM'T.

1/2" IPF

1/2" IPS

265'(R)

200'

75.6'

E. LINE LOT #11

W. LINE LOT #10

40'

TILLMAN ROAD

Park Center Inc.

Park Center, Inc., by: Brad A. Altevogt

Note: According to the Flood Insurance Rate Map (FIRM) number 18003C0290 D, dated Sept. 28, 1990, the herein described real estate is located in Zone "X", and is not in a flood hazard area. Scale: 1"=30'

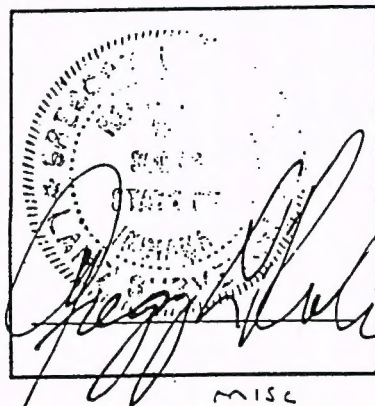
LEGEND

IPF	Iron Pin Found
PF	Iron Pipe Found
IPS	5/8" re-bar 24" long set (with cap stamped #9921)
PK	P.K. Nail
(M)	Measured distance
(R)	Recorded distance

I hereby certify that this survey was completed under my direct supervision and to the best of my knowledge and belief was executed according to the survey requirements set forth in 865 IAC 1-12.

0' 15' 30'

Date of field work: 11-25-94





## SURVEYOR'S REPORT

Date: November 29, 1994  
Job for: Ross & Sorg-Park Center  
Legal Description: Lots 10 & 11 Eastland Gardens  
Address: #2827 Tillman Road

**DONOVAN ENGINEERING**  
2020 Inwood Drive.  
Executive Park  
Fort Wayne, Indiana 46815

1) In accordance with Title 865, Article 1, Rule 12, Sections 1 through 29, of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of:

- A) Random Errors in Measurement (Theoretical Uncertainty);
- B) Variances in the reference monuments;
- C) Discrepancies in record descriptions and plats;
- D) Inconsistencies in lines of occupation;

A) The Theoretical Uncertainty (due to random errors in measurement) of the corners of the subject tract established on this survey is within the specifications for a Class B Survey (0.25 feet) as defined in IAC 865.

B) No variances in the reference monuments.

C) No discrepancies in record descriptions and plats.

D) No inconsistencies in lines of occupation.

The commitment for title insurance was not provided at the time of this report. An abstract or title search may reveal additional information affecting this property. This survey is subject to any facts and or easements that may be disclosed by said full and accurate title search. Donovan Engineering should be notified of any additions or revisions that may be required.

2) Distances between property corners conform to the dimensions on the recorded plat.

The SW and SE property corners are located 15.0 feet North of the 50.0 foot wide pavement of Tillman Road.

The SW property corner is located 100.0 feet (measured & plat) East of a 1" pipe found at the SW corner of Lot #12.

The SE property corner is located 100.0 feet (measured & plat) West of a ½" iron pin found at the SE corner of Lot #9.

The NW property corner is located 99.8 feet (measured, 100.0 ft.) East of a ¾" iron pin found at the NW corner of Lot #12.

The NE property corner is located 200.4 feet (measured, 200.0 ft.) West of a ½" iron pin found at the NE corner of Lot #8.

A fence is located along the West property line.

A fence is located 1-2' North of the North property line.

A fence is located within 1' East of the East property line.





909 EAST STATE BOULEVARD

FORT WAYNE, INDIANA 46805

219 / 481-2700

City of Fort Wayne  
WPC Engineering Dept.  
Room 700 City County Bldg.  
Fort Wayne, IN 46802

To Whom it may concern:

Park Center Inc. would like to construct an addition onto an existing home. We currently hold title to two adjoining lots in the Eastland Gardens subdivision. These lots are located on Tillman Road. To accomplish this addition to the house we will need to cross over the six foot easement that has been dedicated for future utility use. This easement exists between every lot in the addition. I have had all utilities located and to my knowledge there currently are none present in the easement. We would like to start construction soon and find that we will need your permission to encroach on this easement. City water comes in from off Tillman Road and the City sewer comes in from the 14' easement along the rear of the properties.

At this time all other utility companies have now granted us permission to construct over the easement. This memo is to request from the City of Fort Wayne Water Engineering Department that same permission. Please review our request and consider granting Park Center Inc. a letter of encroachment. I have provided a sample copy of NIPSCO's letter for clarification purposes. Your prompt attention to this matter is greatly appreciated.

Sincerely,

Mike Ventruella  
Facilities Manager



# The City of Fort Wayne

Paul Helmke, Mayor

May 24, 1995

Facilities Manager  
Park Center, Inc.  
909 E. State Blvd.  
Ft. Wayne, IN 46805

Re: Encroachment Permit for 2827 E. Tillman Rd.

Dear Mr. Ventruella:

The Fort Wayne Water Utility currently has no existing infrastructure within any of the perimeter easements for this property, nor do we foresee the need to use the easements in the future.

We therefore have no objections to your proposed building addition encroaching the easement along the west side of this property.

Sincerely,

Larry Fiedler  
Water Engineering

cc: Tim Warren  
Chrono  
File



Indiana Michigan  
Power Company  
One Summit Square  
P.O. Box 60  
Fort Wayne, IN 46801  
219 425 2111



Mr. Mike Ventruella  
Park Center  
909 East State Street  
Fort Wayne, Indiana 46805

May 9, 1995

Re: Lots 10 & 11 Eastland Gardens Addition

Dear Mr. Ventruella:

Indiana Michigan Power Company has reviewed your plans for a house addition to extend across platted utility easements between Lots 10 & 11 in Eastland Gardens Addition. We have no facilities in this described area and have no objections to your plans.

If you have any other questions, please feel free to call.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Karen A. Osterholt'.

Karen A. Osterholt  
Right-of-Way Agent



909 EAST STATE BOULEVARD

FORT WAYNE, INDIANA 46805

219/481-2700

May 11, 1995

Mr. Vic Kuzeff  
GTE North  
8001 West Jefferson Blvd.  
P.O. Box 2300  
Fort Wayne, IN 46801-2300

Dear Mr. Kuzeff:

This letter is to request that GTE North grant Park Center a letter of encroachment on a six-foot utility easement that runs between our two lots in the Eastland Gardens addition. I have attached a plot plan for your review. This easement is dedicated for use by utility companies. City Planning states that I must have a "letter of encroachment" from each utility company that might use, or is using, that space. There is currently no utility in that easement. Park Center wishes to add onto the west end of the existing house which will encroach on that easement. We would appreciate a letter granting permission to encroach on that easement from your office. Thanks for your efforts!

Sincerely,

A handwritten signature in cursive script that reads "Ed DePrey".

Ed DePrey  
Purchasing Coordinator

ED/slp 01844slp





GTE Telephone Operations

May 16, 1995

MC:INIFAON  
8001 W. Jefferson Blvd.  
P.O. Box 2300  
Fort Wayne, IN 46801-2300

Park Center Inc.  
909 E. State Blvd.  
Fort Wayne, IN 46805  
Attn: Mr. Ed DePrey

Dear Mr. Deprey:

GTE North will grant Park Center the encroachment on a six-foot utility easement that runs between the two lots in the Eastland Gardens addition, as shown on the plot plan. GTE North will not use that space.

If there are any questions, please feel free to contact me at 461-3456.

Sincerely,

A handwritten signature in dark ink, appearing to read "B. V. Kuzeff", with a stylized flourish at the end.

B. V. Kuzeff  
Senior Engineer -  
OSP Engineering

BVK:mek



909 EAST STATE BOULEVARD

FORT WAYNE, INDIANA 46805

219/481-2700

May 9, 1995

Mr. Marvin Underwood  
Northern Indiana Public Service Company  
1501 Hale Avenue  
Fort Wayne, IN 46802

Dear Mr. Underwood:

I am sending you this letter as a result of our conversation on Monday, May 8, 1995. This letter is to request that NIPSCO grant Park Center a letter of encroachment on a six-foot utility easement that runs between our two lots in the Eastland Gardens addition. I have attached a plot plan for your review. This easement is dedicated for use by utility companies. City Planning states that I must have a "letter of encroachment" from each utility company that might use, or is using, that space. There is currently no gas lines in that easement. City Planning would still like a letter from NIPSCO stating we have permission from NIPSCO to encroach on that easement. Park Center wishes to add onto the west end of the existing house which will encroach on that easement. We would appreciate a letter granting permission to encroach on that easement from your office (see attached). In talking to I & M and our contractor, I found this to be common practice. Park Center would appreciate your prompt attention to this matter and I appreciate your taking time to look into this for me. Thanks for your efforts!

Sincerely,

Mike Ventruella  
Facilities Manager

MV/slp 01844slp

Enc.





## Northern Indiana Public Service Company

*A subsidiary of NIPSCO Industries, Inc.*

1501 Hale Avenue  
Fort Wayne, Indiana 46802  
460-2213  
May 15, 1994

Mr. Mike Ventrueella  
Facilities Manager  
Park Center, Inc.  
909 East State Boulevard  
Fort Wayne, Indiana 46805

Dear Mr. Ventrueella:

As a followup to your telephone conversation on May 15, 1995, Northern Indiana Public Service Company does not now have nor do we anticipate having our facilities in the utility easement at the east side of Lot #11, or the west side of Lot #10; therefore, we have no objections to your proposed construction.

Please consult other utilities that may have facilities in the easement, since they will be directly affected by your construction activities.

Sincerely,

  
Marvin Underwood  
District Project Engineer

MU:skl

RESOLUTION 82-142-4

WHEREAS, PARK CENTER INC., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following utility easement situated in Fort Wayne, Allen County, to-wit:

A six foot utility easement on the west line of Lot Number 10 and the east line of Lot Number 11 in Eastland Gardens, Section A, except the north seven (7) feet, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated easement hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated easement or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN )

I, LINDA BUSKIRK, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held WED, JAN. 17, 1996 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 17 DAY OF JANUARY 1996

FORT WAYNE BOARD OF PUBLIC WORKS

Linda Buskirk  
Linda Buskirk  
Chairman, Board of Public Works

C. James Owen  
C. James Owen  
Member, Board of Public Works

Terrance P. McCaffrey  
Terrance P. McCaffrey  
Member, Board of Public Works

96 JAN 11 AM 10:49



RESOLUTION

WHEREAS, PARK CENTER INC., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following utility easement situated in Fort Wayne, Allen County, to-wit:

A six foot utility easement on the west line of Lot Number 10 and the east line of Lot Number 11 in Eastland Gardens, Section A, except the north seven (7) feet, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said public hearing was held on November 20, 1995 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated easement.

WHEREAS, said vacation of dedicated easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated easement hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated easement in Allen County, Indiana.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN )

Carol Kettler Sharp

I, \_\_\_\_\_, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, November 27, 1995 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 31 DAY OF January 1996

FORT WAYNE CITY PLAN COMMISSION

*Carol Kettler Sharp*

\_\_\_\_\_  
Carol Kettler Sharp  
Secretary

# FACT SHEET

G-95-11-19

BILL NUMBER

## Division of Community Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Utility Easement Vacation

### DETAILS

#### Specific Location and/or Address

The 6' utility easement on the W line of Lot #10 & the east line of Lot #11 in Eastland Gardens, Sec A.

#### Reason for Project

Proposed residential room addition.

#### Discussion (Including relationship to other Council actions)

##### 20 November 1995 - Public Hearing

Brad Alevogt, appeared before the Commission for the petitioner. Mr. Alevogt stated that they are requesting the vacation of a utility easement that runs north-south along the lot line. He stated that they propose an addition to the home, which would extend across the utility easement. He stated that all of the utility companies have indicated that they have no future use for the easement.

There was no one present who wished to speak in favor of or in opposition to the proposed vacation.

##### 27 November 1995 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, contingent upon the petitioner granting replacement easements or relocations as needed and perfecting the petition to exclude the north seven (7) feet of the easement in order to maintain the e/w easement.

### POSITIONS

### RECOMMENDATIONS

#### Sponsor

City Plan Commission

#### Area Affected

City Wide

Other Areas

#### Applicants/ Proponents

#### Applicant(s)

Park Center Inc  
City Department

Other

#### Opponents

#### Groups or Individuals

Basis of Opposition

#### Staff Recommendation

☒ For ☐ Against

Reason Against

#### Board or Commission Recommendation

#### By

☒ For ☐ Against  
☐ No Action Taken☐ For with revisions to conditions  
(See Details column for conditions)

#### CITY COUNCIL ACTIONS (For Council use only)

<input type="checkbox"/> Pass	<input type="checkbox"/> Other
<input type="checkbox"/> Pass (as amended)	<input type="checkbox"/> Hold
<input type="checkbox"/> Council Sub.	<input type="checkbox"/> Do not pass

Of the eight (8) members present, seven (7) voted in favor of the motion, the Chair did not vote.

Motion carried.

Members Present: Linda Buskirk, Ernest Evans, James Hoch, Thomas Quirk, Dave Ross, Donald Schmidt, Mel Smith, Vicky VerPlanck

Member Absent: Carol Kettler Sharp

Member Absent: Carol Kettler Sharp

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

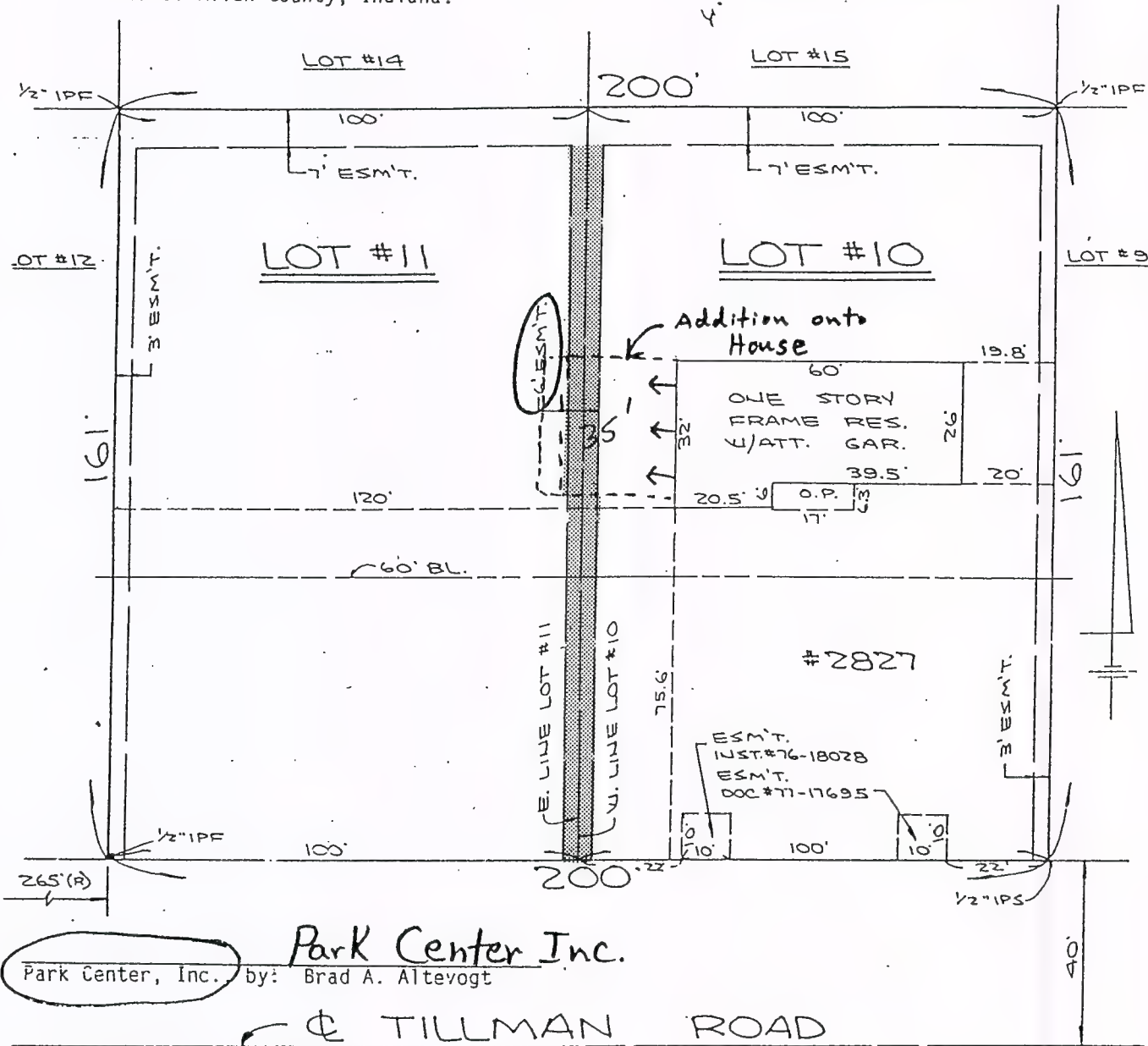
(This space for further discussion)

Reference or Case Number



## AREA MAP

11 in Eastland Gardens, Section A, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana. Lot Numbered 10 and Lot Numbered



NOTE: EASEMENT RECORDED  
IN RES. #118-1973 DOES  
NOT AFFECT THE ABOVE  
DESCRIBED REAL ESTATE

Map No. Q - 27  
LW 10-22-95

<b>R1</b>	One-Family	<b>B1</b>	Limited Business	<b>M1</b>	Light Industrial
<b>R2</b>	Two-Family	<b>B2</b>	Planned Shopping Center	<b>M2</b>	General Industrial
<b>R3</b>	Multi-Family	<b>B3</b>	General Business	<b>M3</b>	Heavy Industrial
<b>RA/RB</b>	Residential	<b>B4</b>	Roadside Business	<b>MHP</b>	Mobile Home Park
<b>PUD</b>	Planned Unit Dev.	<b>POD</b>	Professional Office District		

ORIGINAL

ORIGINAL

#602

DIGEST SHEET

TITLE OF ORDINANCE Utility Easement Vacation

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 2 - 6 foot utility easements on the  
west line of Lot #10 and the east line of Lot #11 in Eastland  
Gardens Addition Section A.

*D-95-11-19.*  
*(as amended)*

EFFECT OF PASSAGE Property is currently dedicated utility  
easements. Property will be vacated and revert to the ownership  
of the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain dedicated utility  
easements.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE) \_\_\_\_\_

BILL NO. G-95-11-19 / as amended

REPORT OF THE COMMITTEE ON

FINANCE *Regulations*

THOMAS C. HENRY - JOHN N. CRAWFORD - CO-CHAIR

*Ravine* ALL COUNCIL MEMBERS *Hughurst*

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) FOR THE PURPOSE OF  
VACATING A DEDICATED UTILITY EASEMENT

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*Thomas C. Henry*

*Martin A. Bender*

*Gregory A. Murphy*

*Debbie Harris*

*John N. Crawford*

*Thomas C. Henry*

*John N. Crawford*

*Thomas C. Henry*

*Thomas C. Henry*

DATED: 2-27-96

Sandra E. Kennedy  
City Clerk





THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

February 6, 1996

Ms. Connie Lambert  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of February 9, 1996, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, IN

Bill No. G-95-11-19 (as amended)  
Utility Easement Vacation

Bill No. G-95-07-07 (as amended)  
Alley and Street Vacation

Please send us 3 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy  
City Clerk

SEK/ne  
ENCL: 2



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

February 6, 1996

Michael Ventreulla  
909 E State Blvd  
Fort Wayne, Indiana 46805

### NOTICE OF PUBLIC HEARING ON BILL NO. G-95-11-19 (AS AMENDED)

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, February 27, 1996, at 5:30 o'clock P.M., in the Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana on the following:

The 6' utility easement on the w line of Lot #10  
& the east line of Lot #11 in Eastland Gardens,  
Sec. A - Proposed residential room addition

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

FORT WAYNE COMMON COUNCIL

Sandra E. Kennedy  
City Clerk

FORT WAYNE COMMON COUNCIL

NOTICE OF A PUBLIC HEARING  
BILL NO. G-95-11-19  
(AS AMENDED)

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON TUESDAY, FEBRUARY 27, 1996, AT 5:30 P.M., IN THE COMMON COUNCIL CHAMBERS, ROOM 126, CITY-COUNTY BUILDING, ONE MAIN STREET, FORT WAYNE, INDIANA, CONCERNING THE FOLLOWING

A six foot utility easement on the west line of Lot Number 10 and the east line of Lot Number 11 in Eastland Gardens, Section A, except the north seven (7) feet, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana

THE PUBLIC IS INVITED TO APPEAR BEFORE COMMON COUNCIL AND EXPRESS THEIR VIEWS.

FORT WAYNE COMMON COUNCIL

SANDRA E. KENNEDY  
CITY CLERK

"REASONABLE ACCOMMODATIONS". FOR PERSONS WITH A KNOWN DISABLING CONDITION WILL BE CONSIDERED IN ACCORDANCE WITH THE STATE AND FEDERAL LAW. ANY PERSON NEEDING A "REASONABLE ACCOMMODATION" SHOULD NOTIFY PUBLIC INFORMATION OFFICE (219) 427-1120, TTY (219) 427-1200, AT LEAST SEVENTY-TWO (72) HOURS PRIOR TO THE MEETING.

SANDRA E. KENNEDY  
CITY CLERK



FW COMMON COUNCIL  
(Governmental Unit)To: The Journal-Gazette Dr.  
P.O. Box 100  
Fort Wayne, IN

ALLEN County, Indiana

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

## COMPUTATION OF CHARGES

41 lines, 1 columns wide equals 41 equivalent lines  
at .346 cents per line

\$ 14.19

Additional charge for notices containing rule or tabular work  
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

1.00

TOTAL AMOUNT OF CLAIM

\$ 15.19

## DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: FEB 9, 19 96

Title: Clerk

## PUBLISHER'S AFFIDAVIT

FORT WAYNE COMMON COUNCIL  
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SANDRA E. KENNEDY  
CITY CLERK  
#124080

State of Indiana )

) ss:

Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L. ROHYANS who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time, the dates of publication being as follows:

2-9-96

Subscribed and sworn to before me this 9th day of FEB, 19 96.

Notary Public

MARY L SCHNITZER

My commission expires:

NOTARY PUBLIC STATE OF INDIANA

ALLEN COUNTY

MY COMMISSION EXP JUNE 14, 1997



FW COMMON COUNCIL  
(Governmental Unit)  
  
ALLEN County, Indiana

To: The News-Sentinel Dr.  
P.O. Box 100  
Fort Wayne, IN

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State of Indiana )  
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2-9-96

Subscribed and sworn to before me this 9th day of FEB, 19 96.

Mary L Schneider  
Notary Public

My commission expires: MARY L SCHNEIDER  
NOTARY PUBLIC STATE OF INDIANA  
ALLEN COUNTY  
MY COMMISSION EXP JUNE 14,1997